

passed and threatened to continue to trespass thereon, and asked for an injunction and damages.

It was admitted that the plaintiff was the owner of the northerly portion of lot No. 47, and the north-easterly portion of lot No. 48 in the first concession of Sophiasburg, deriving title thereto through the respective grantees thereof from the Crown, viz., James Cotter, Wait Ross and R. B. Conger.

The plaintiff contended that the land in dispute was included in the grants to Cotter, Ross and Conger. This the defendant denied and the plaintiff's paper title depended on whether the west part of Cotter's Island was covered by the patents in question.

Cotter's Island lies a short distance northerly of the main land. The intervening space gradually became filled up with sediment deposited by lake currents and washings from the main land, and what at one time was open water is now marsh, which at places may be crossed by vehicles, and the plaintiff and those through whom he claims title have for many years cultivated the portion of the island now in dispute, together with the land opposite thereto on the main land.

He also claimed title by possession.

The descriptions of the parts of lots numbers 47 and 48 in the first concession west of Greenpoint in the township of Sophiasburg, as set forth in the patents thereof, were as follows:—

Description of the easterly three-quarters of lot No. 47, patented, 9th January, 1834;

Commencing in front upon the Bay of Quinte at the north-east angle of the said lot; then south 31 degrees 30 minutes east 59 chains more or less to the allowance for road in the rear of the said concession; then south 58 degrees 30 minutes west 14 chains 25 links; then north 31 degrees 30 minutes west to the Bay of Quinte; then north-easterly along the water's edge to the place of beginning; containing 75 acres more or less.

Description of the west quarter of lot No. 47, patented, 9th January, 1834:—

Commencing in front upon the Bay of Quinte at the north-west angle of the said lot; then south 31 degrees 30 minutes east 58 chains, more or less to the allowance for road in rear of the said concession; then north 58 degrees